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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,294	06/23/2003	Hsiang-I Chuang	Y4P3004	6384

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Hsiang-I Chuang
235 Chung-Ho
Box 8-24
Taipei,
TAIWAN

EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,294

Applicant(s)

CHUANG, HSIANG-I

Examiner

Thomas Y Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1-20 are currently pending. No claims have been withdrawn or cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 8, the Applicant recites “at least one receiving groove and a positioning hole smaller than the receiving holes.” First, the term “receiving holes” lacks antecedent basis. Second, the specification never discloses any positioning holes or receiving holes. The only elements disclosed are a “receiving groove” (201), “positioning groove” (202) and another “positioning groove” (203). For these reasons, it is unclear what the Applicant is claiming.

As to claim 18, the Applicant recites “includes with at least one receiving groove and a positioning groove smaller than the receiving holes.” First, the phrase “includes with at least” is grammatically incorrect, and the meaning of the phrase is indefinite. Second, for reasons stated in reference to claim 8 above, it is unclear what the Applicant is claiming as far as the structure being recited.

For purposes of examination, the prior art of record used in the rejection will be based on the assumption that the structure being claimed in claims 8 and 18 are represented by those shown in the figures.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, 10-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Untermeyer US0241453 in view of Turrisi US20040035152.

As to claim 1, Untermeyer discloses: a plummet decoration comprising: a ring E having at least one first buckle D and one second buckle D; a plummet A/B/C including at least one plummet frame B and the plummet frame including at least one insertion portion; at the connection of the plummet of the ring; the plummet being installed with a first groove C and a second groove C corresponding to the first buckle and second buckle; the first buckle and second buckle capable of being embedded into and detached from the first groove and second groove.

The difference between the claim and Untermeyer is the claim recites: a necklace; after the ring is detached from the plummet, the necklace can be inserted into the insertion portion of the plummet. Turrisi discloses a ring and plummet similar to that of Untermeyer. In addition, Turrisi further teaches that the plummet can be detached from the ring and worn as a necklace (Fig. 11-13). It would have been obvious to one of ordinary skill in the art, having the disclosures of Untermeyer and Turrisi before him at the time the invention was made, to modify the plummet of Untermeyer to be worn as a ring, as in Turrisi. One would have been motivated to make such a combination because the ability to use the plummet as a pendant, necklace or chain would have been achieved, as taught by Turrisi [0051].

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As to claim 2, Untermeyer discloses: wherein an opening is formed between the first buckle and second buckle.

As to claim 4, Untermeyer discloses: wherein each of the first buckle and second buckle has at least one post and each post has a head.

As to claim 5, Untermeyer discloses: wherein at the connection of the plummet frame and the ring has a plate B/B, the plate has the first groove C and the second groove C.

As to claim 6, Untermeyer discloses: wherein the first buckle and second buckle are arranged along a line and are symmetrical.

As to claim 7, Untermeyer discloses: wherein the first buckle and second buckle are arranged along a round.

As to claim 10, Untermeyer discloses: a plummet decoration comprising: a ring having at least one first buckle and one second buckle; a plummet including at least one plummet frame; at the connection of the plummet of the ring; the plummet being installed with a first groove and a second groove corresponding to the first buckle and second buckle; the first buckle and second buckle capable of being embedded into and detached from the first groove and second groove.

Turrisi teaches: a necklace; after the ring is detached from the plummet, the necklace can be inserted into the insertion portion of the plummet.

As to claim 11, Turrisi teaches: further comprising a necklace; wherein the plummet frame includes at least one insertion portion 22; after the ring is detached from the plummet, the necklace can be inserted into the insertion portion of the plummet.

As to claim 12, Untermeyer discloses: wherein an opening is formed between the first buckle and second buckle.

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As to claim 14, Untermeyer discloses: wherein each of the first buckle and second buckle has at least one post and each post has a head.

As to claim 15, Untermeyer discloses: wherein at the connection of the plummet frame and the ring has a plate, the plate has the first groove and the second groove.

As to claim 16, Untermeyer discloses: wherein the first buckle and second buckle are arranged along a line and are symmetrical.

As to claim 17, Untermeyer discloses: wherein the first buckle and second buckle are arranged along a round.

Claims 3, 9, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Untermeyer US0241453 in view of Turrisi US20040035152, and further in view of Bauer US2072440, and further in view of case law.

As to claim 3, the difference between the claim and Untermeyer is the claim recites: wherein the ring is selected from gold, silver, iron, nickel, metals or the alloys thereof.

The ring disclosed by Untermeyer may well be made of metals, but this was never specifically recited in Untermeyer's disclosure. Bauer discloses a ring with a removable plummet, similar to that of Untermeyer. In addition, Bauer further teaches the use of metallic material (col. 2, ln. 27-34). It would have been obvious to one of ordinary skill in the art, having the disclosures of Untermeyer and Bauer before him at the time the invention was made, to modify the material of Untermeyer to be metal, as in Bauer. One would have been motivated to make such a combination because the use of metals in jewelry articles is old and well known, and also because it has been held that the selection of a known material based upon its suitability

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for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

As to claim 9, Untermeyer discloses: wherein a plummet core A (fig. 2) is mounted on the plummet frame (ln. 21-26); and the plummet core is selected from one of stone or metal.

Case law and Bauer teaches: the plummet core is selected from one of diamonds, pearls, jades, agates and precious metals.

As to claim 13, Bauer teaches: wherein the ring is selected from gold, silver, iron, nickel, metals or the alloys.

As to claim 19, Untermeyer discloses, wherein a plummet core is mounted on the plummet frame; and the plummet core is selected from one of stones and metal.

Case law and Bauer teaches: diamonds, pearls, jades, agates and precious metals.

Claims 8, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Untermeyer US0241453 in view of Turrisi US20040035152, and further in view of Wolff US6508079, and further in view of Rader US5283966, and further in view of case law.

As to claim 8, the difference between the claim and Untermeyer is the claim recites: wherein each of the first groove and second groove includes at least one receiving groove and a positioning hole smaller than the receiving holes.

Wolff discloses modular jewelry similar to that of the modular assembly of Untermeyer. In addition, Wolff further teaches the grooves and receiving holes (Fig. 31-32). It would have been obvious to one of ordinary skill in the art, having the disclosures of Untermeyer and Wolff before him at the time the invention was made, to modify the connecting portions of Untermeyer to have the grooves and holes of Wolff. One would have been motivated to make such a

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combination because the ability to securely join and detach elements from one another would have been achieved, as taught by Wolff. Furthermore, Rader also teaches that bayonet type assemblies (the holes and grooves of Wolff are bayonet couplings) and raised and recessed portions that engage and snap together (describing the couplings in Untermeyer) are known equivalents (col. 2, ln. 15-40). So additionally, the couplings of Untermeyer, and those taught by Wolff, are known equivalents, and inasmuch as the references disclose these elements as art recognized equivalents, it would have been obvious to one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

As to claim 18, Wolff teaches: wherein each of the first groove and second groove includes with at least one receiving groove and a positioning groove smaller than the receiving holes.

As to claim 20, Wolff teaches: wherein each of the positioning groove has a positioning hole.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US1034019 to Leidig discloses a fastening means for jewelry.
2. US1516599 to Gsell discloses a convertible watch.
3. US2316225 to Hoffman discloses ring-mounted jewelry.
4. US3933011 to DiGilio discloses a ring with interchangeable setting.
5. US4974429 to Ferrara discloses a combined bracelet and pendant.
6. US4982581 to Furuyama discloses a coupling device for ornamental pieces.

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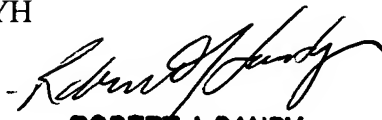
7. US5211032 to Cheng discloses an adjustable earring post.
8. US5357770 to Lanyi discloses jewelry with interchangeable ornamental members.
9. US5456095 to Tawil discloses interchangeable settings for jewelry pieces.
10. US6729159 to Rose discloses an interchangeable jewelry system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER